

OCT 30 2002 10:16

JOHN C. MORAN, ATTORNEY,

303-920-9113

P.1

F 11/25 2600

#9

PTO/SB/07 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

### Certificate of Transmission under 37 CFR 1.8

RE: Application No. 10/037,584      Filing Date: 10/23/2001  
Atty. Docket No. 401052-B-01-US (Brown)

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office FAX No. 703-746-9195

on 10/30/2002

Date

\_\_\_\_\_  
Signature

John C. Moran

\_\_\_\_\_  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

### FOLLOWING PAPERS ARE INCLUDED IN THIS TRANSMISSION

1. Filing Receipt with indicated corrections - 1 page
2. Decision of Office of Petitions granting a petition - 2 pages
3. Declaration and Power of Attorney - 5 pages
4. Letter to Office of Initial Patent Examination's Filing Receipt Corrections - 2 pages

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Serial No. 10/037,584

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**Patent Application**

**Inventors**

Michael K. Brown  
Norman C. Chan  
Sharmistha Sarkar Das  
David J. Skiba  
Danny M. Wages

**Case** 401052-A-01-US (Brown)

**Serial No.** 10/037,588

**Filing Date** 10/23/2001

**Title** A Unified Call Classifier For Processing Speech And Tones  
As A Single Information Stream

**VIA FACSIMILE**

**Office of Initial Patent Examination's Filing Receipt Corrections**

Please make the corrections indicated on the attached Filing Receipt that was mailed on 10/22/2002. The name of Michael Kenneth Brown should be added to the Filing Receipt as an Applicant per the decision made by the Office of Petitions on August 26, 2002 (attached) granting us, the other Inventors, the right to file the above-identified patent application for ourselves and Mr. Brown.

Please add the residences of all inventors to the Filing Receipt since this information was supplied to the USPTO in the proper manner. On May 2, 2002 concurrent with the filing of the now granted petition, we, the other applicants, filed the necessary papers and fees to correct the Missing Parts objections to the original filing of the application. These

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office FAX No. 703-746-9195, on

10/30/2002

Date Being Mailed

John C. Moran

Signature

OCT 30 2002 10:16

JOHN C. MORAN, ATTORNEY,

303-920-9113

P.3

Serial No. 10/037,584

papers included a "Declaration and Power of Attorney" document  
(attached) that clearly lists the residences of all inventors.

Respectfully,

Norman C. Chan  
Sharmistha Sarkar Das  
David J. Skiba  
Danny M. Wages

By John C. Moran  
John C. Moran  
Patent Attorney  
Reg. No. 30,782  
303-450-9926

Date: 10/30/2002

John C. Moran, Attorney, P.C.  
4120 115<sup>th</sup> Place  
Thornton, CO 80233

OCT 30 2002 10:16

JOHN C. MORAN, ATTORNEY,

303-920-9113

P. 4

Page 1 of 2



*Corrections  
to Filing Receipt 1/1*

Commissioner for Patents  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/037,584	10/23/2001	2641	1008	401052-B- 01-US (Brown)	16	23	4

CONFIRMATION NO. 8513

CORRECTED FILING RECEIPT



\*OC000000008987528\*

Date Mailed: 10/22/2002

John C. Moran, Attorney, P.C.  
4120 E. 115th Place  
Thornton, CO 80233

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-748-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) Michael Kenneth Brown, Somerset, NJ  
Norman C. Chan, Residence Not Provided, Louisville, CO  
Sharmista Sarkar Das, Residence Not Provided, Broomfield, CO  
David J. Skiba, Residence Not Provided, Columbus, OH  
Danny M. Wages, Residence Not Provided, Boulder, CO

Domestic Priority data as claimed by applicant

**Foreign Applications**

If Required, Foreign Filing License Granted 02/04/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**Title**

Unified call classifier for processing speech and tones as a single information stream

**Preliminary Class**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

JOHN C. MORAN, ATTORNEY, P.C.  
4120 E. 115TH PLACE  
THORNTON, CO 80233

Paper No. 7  
COPY MAILED

*Petitions*  
*1/2*

AUG 26 2002

In re Application of  
Brown et al.  
Application No. 10/037,584  
Filed: October 23, 2001  
Attorney Docket No. 401052-B-01-US (Brown)

OFFICE OF PETITIONS  
DECISION ACCORDING  
STATUS UNDER  
37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed on May 13, 2002 (Certificate of Mailing date May 2, 2002), requesting that 4 joint-inventors be allowed to file the application on behalf of themselves and the remaining joint-inventor who allegedly refuses to join in this application.

The petition is **GRANTED**.

There are 5 inventors named for the claimed invention in this application: Michael Kenneth Brown ("Brown"), Norman C. Chan ("Chan"), Sharmistha Sarkar Das ("Das"), David Joseph Skiba ("Skiba"), and Danny M. Wages ("Wages"). The application as filed on October 23, 2001 did not include a properly signed oath/declaration as required by 37 CFR 1.51(b)(2) and as specified in 37 CFR 1.63. On February 4, 2002, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Nonprovisional Application, giving Applicants an extendable 2-month period within which to submit a proper oath or declaration. In response, the instant petition was filed along with a request for a 1-month extension of time and the requisite extension-of-time fee, asserting that Brown has refused to join in this application, and requesting that a "Declaration and Power of Attorney" signed by all inventors but Brown ("5/13/02 Declaration") be accepted such that the 4 signing inventors may make this application on behalf of themselves as well as Brown.

Chan, Das, Skiba and Wages may file this application on behalf of themselves and of Brown, provided that a *bona fide* attempt has been made to present to Brown, for signature, a copy of the entire application, including the specification, claims, drawings,<sup>1</sup> and that the latter refuses to join in this application. To show that Brown has refused to join in this application despite a *bona fide* attempt made to present to him for signature a copy of the entire application, the petition must include, *inter alia*, a statement of facts concerning the circumstances of the presentation of the application papers to Brown at his last known address,<sup>2</sup> and his subsequent refusal.<sup>3</sup>

The instant petition encloses a Statement of Facts by John C. Moran ("Moran") ("Moran Statement"), counsel for Avaya Inc. which is apparently Brown's former employer, accompanied by Exhibits A-D, setting forth in essence that a copy of the entire application was provided to

<sup>1</sup> MPEP section 409.03(d) (Aug. 2001) REFUSAL TO JOIN.

<sup>2</sup> 37 CFR 1.47(a); also see MPEP section 409.03(e) (Aug. 2001).

<sup>3</sup> See MPEP section 409.03(d) (Aug. 2001).

Application No. 10/037,584

2/2

2

Petition

Brown via e-mail on February 28, 2002<sup>4</sup> and again by mail on April 6, 2002,<sup>5</sup> and that Brown indicated his refusal to join in the application in an April 24, 2002 e-mail reply to Moran's April 17, 2002 e-mail<sup>6</sup> and subsequent telephone inquiry<sup>7</sup> concerning this application, and again by telephone during Moran's April 24, 2002 telephone follow-up.<sup>8</sup>

The Moran Statement in conjunction with the accompanying exhibits demonstrates that a *bona fide* attempt had been made to present to Brown a copy of the entire application,<sup>9</sup> and that Brown has refused to join in this application. The petition is thus granted and the 5/13/02 Declaration is hereby accepted.

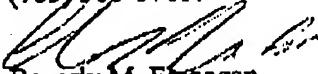
The Office also acknowledges receipt with the instant petition of the \$130 surcharge for late filing of an acceptable oath/declaration and the \$130 petition fee. The application is now complete.

As provided in 37 CFR 1.47(c), the Office will forward notice of the filing of this application to Brown at 285 Lewis Street, North Plainfield, NJ 07060. Notice of the filing of this application will also be published in the *Official Gazette*.

Finally, as requested, the correspondence address for this application has been changed and made of record.

The application is being returned to OIPE for further processing with respect to the 5/13/02 Declaration and for mailing of a filing receipt if one has not already been issued. Thereafter, the application will be forwarded to the appropriate Technology Center for examination in due course.

Telephone inquiries concerning this decision should be directed to Petitions Attorney RC Tang at (703) 308-0763.

  
Beverly M. Flanagan  
Supervisory Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

- <sup>4</sup> Page 2 of petition, Moran Statement, lines 8-10.
- <sup>5</sup> Page 2 of petition, Moran Statement, lines 9-10 from bottom.
- <sup>6</sup> Page 2 of petition, Moran Statement, lines 5-8 from bottom.
- <sup>7</sup> Exhibit D (printout of Brown's 8/24/02 e-mail), 1st line.
- <sup>8</sup> Page 2 of petition, Moran Statement, last 5 lines; Exhibit D.
- <sup>9</sup> The Office interprets the 2/28/02 e-mail and the 4/6/02 letter as stating that an entire copy of the application, including specification, claims, drawings, was provided to Brown for review before deciding whether to join in. If this interpretation is incorrect, counsel must notify this Office upon receipt of this Decision.

401052-B-01-US (Brown)

DEC  
1/5

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **A UNIFIED CALL CLASSIFIER FOR PROCESSING SPEECH AND TONES AS A SINGLE INFORMATION STREAM**, the specification of which was filed in the United States Patent and Trademark Office on October 23, 2001, as application Serial No. 10/037,584.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DEC  
2/5

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

Brian K. Dinicola	(Reg. No. 36122)
Paul Gardon	(Reg. No. 48761)
Robert E. Rudnick	(Reg. No. 36260)
David Volejnicek	(Reg. No. 29355)
Don L. Webber	(Reg. No. 34275)

I hereby appoint the attorney(s) on ATTACHMENT A as associate attorney(s) in the aforementioned application, with full power solely to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected with the prosecution of said application. No other powers are granted to such associate attorney(s) and such associate attorney(s) are specifically denied any power of substitution or revocation.

Full name of 1st joint Inventor: Michael Kenneth Brown

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: North Plainfield, Somerset, New Jersey

Citizenship: USA

Post Office Address: 285 Lewis Street  
North Plainfield, NJ 07060

1 Full name of 2<sup>nd</sup> Inventor: Norman C. Chan

Inventor's signature Norman C. Chan Date 3/6/2002

Residence: Louisville, Boulder County, Colorado

Citizenship: USA

Post Office Address: 1818 Eisenhower Drive  
Louisville, CO 80027

OCT 30 2002 10:16

JOHN C. MORAN, ATTORNEY,

303-920-9113

p.9

3

401052-B-01-US (Brown)

DEC  
3/5

Full name of 3<sup>rd</sup> inventor: Sharmistha Sarkar Das

Inventor's signature Sharmistha Das

Date March 5, 2002

Residence: Broomfield, County of Broomfield, Colorado

Citizenship: USA

Post Office Address: 2830 Elaine Drive,  
Broomfield, CO 80020

/ Full name of 3<sup>rd</sup> inventor: David Joseph Skiba

Inventor's signature David Joseph Skiba

Date February 27, 2002

Residence: Columbus, Franklin County, Ohio

Citizenship: USA

Post Office Address: 3111 Derby Road  
Columbus, Ohio 43221

Full name of 3<sup>rd</sup> inventor: Danny M. Wages

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Boulder, Boulder County, Colorado

Citizenship: USA

Post Office Address: 388 Nightshade Drive  
Boulder, CO 80302

OCT 30 2002 10:17

JOHN C. MORAN, ATTORNEY,

303-920-9113

p. 10

3

401052-B-01-US (Brown)

DEC  
4/5

Full name of 3<sup>rd</sup> inventor: Sharmistha Sarkar Das

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Broomfield, County of Broomfield, Colorado

Citizenship: USA

Post Office Address: 2830 Elaine Drive,  
Broomfield, CO 80020

Full name of 3<sup>rd</sup> Inventor: David Joseph Skiba

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Columbus, Franklin County, Ohio

Citizenship: USA

Post Office Address: 3111 Derby Road  
Columbus, Ohio 43221

✓ Full name of 3<sup>rd</sup> inventor: Danny M. Wages

Inventor's signature Danny M. Wages Date 3-4-02

Residence: Boulder, Boulder County, Colorado

Citizenship: USA

Post Office Address: 388 Nightshade Drive  
Boulder, CO 80302

OCT 30 2002 10:17

JOHN C. MORAN, ATTORNEY,

303-920-9113

P.11

4

401052-B-01-US (Brown)

5/5

DEC

ATTACHMENT A

Attorney Name(s): John C. Moran Reg. No. 30782

Telephone calls should be made to John C. Moran, Attorney, P.C. at:

Phone No.: (303) 450-9926  
Fax No.: (303) 920-9113

All written communications are to be addressed to:

John C. Moran, Attorney, P.C.  
4120 E. 115<sup>th</sup> Place  
Thornton, CO 80233